SASKATCHEWAN INFORMATION AND PRIVACY COMMISSIONER

BUSINESS PLAN

2007 – 2009

Accountability Statement

The Office of the Saskatchewan Information and Privacy Commissioner (OIPC) is accountable to the Legislative Assembly of Saskatchewan and to the people of the province of Saskatchewan.

This Business Plan for the two years commencing December 1, 2007 was prepared under my direction. This Business Plan will guide and shape our activities and internal organization during that same period. Although three years is the planning period that has been followed since this office produced its initial business plan in 2005, my current appointment as Information and Privacy Commissioner expires in April 2009. The Legislative Assembly in due course will decide whether I will be reappointed or a new Commissioner selected. If there is a new Commissioner, that individual will obviously not be bound by this plan.

This Business Plan will constitute the basis of our budget submissions to the Board of Internal Economy and the Legislative Assembly of Saskatchewan for the next two years or such time as I occupy this office, whichever ends first.

Since the mandate of this office is very broad and in part reactive to issues that may arise and matters initiated by citizens, this Business Plan may have to be modified from time to time to accommodate those appropriate activities. Subject to that caution and given the appropriate resources, I am committed to achieving the planned results laid out in this Business Plan.

January 16, 2008

R. Gary Dickson, Q.C.
Saskatchewan Information and Privacy Commissioner

The Office of the Saskatchewan Information and Privacy Commissioner

This office has been created pursuant to Part VI of *The Freedom of Information and Protection of Privacy Act* (FOIP) that came into force in 1992. The office oversees three different provincial statutes, namely:

The Freedom of Information and Protection of Privacy Act (FOIP)
The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)
The Health Information Protection Act (HIPA).

The mandate includes the following:

- Engage in or commission research into matters affecting the carrying out of the purposes of FOIP and HIPA;
- Conduct public education programs and provide information concerning FOIP and HIPA;
- Receive representations concerning the operation of FOIP and HIPA;
- Offer comment on the implications for privacy protection of proposed legislative schemes or government programs or proposed programs of local authorities;
- Offer comment on the implications for personal health information of proposed legislative schemes or programs of trustees;
- After hearing the head or trustee, recommend that a government institution, local authority or trustee:
  - cease or modify a specified practice of collecting, using or disclosing information that contravenes FOIP, LA FOIP and HIPA; and
  - destroy collections of personal information that is collected in contravention of FOIP, LA FOIP and HIPA;
- In appropriate circumstances, authorize the collection of personal information in a manner other than directly from the individual to whom it relates;
- From time to time, carry out investigations with respect to personal information in the possession or under the control of government institutions or local authorities to ensure compliance with Part IV of FOIP and Part IV of LA FOIP;
- Review a decision of a head in response to an access request, a decision of a head to extend the time to respond to an access request, or a decision of a head with respect to a third party claim;
- Review a failure of a head to respond to an application for access within the required time;
- Review a failure or refusal of a head to make a requested correction of personal information; and
- Comment on the implications for protection of personal health information of any aspect of the collection, storage, use or transfer of personal health information.

Refocusing After First Four Years

November 1, 2007 marked the fourth anniversary of our office with a full-time Commissioner. The initial priority identified by this office was the need to build capacity in our office and to build awareness both within the public service and within the larger community of privacy and access requirements and best practices. Approximately 60% of this office's resources had been focused on the awareness raising campaign in the first three years. When the Business Plan was revised for the period 2006-2009, the focus shifted to dedicate approximately 60% of our resources to closing reviews, investigations, and 'advice and commentary' files and to reduce our commitment to education and awareness raising to approximately 40% of our resources.

2006-2007 did see a significant shift in resources but we achieved less than anticipated principally for two reasons:

(1) Our office experienced a number of vacancies in the Portfolio Officer position during late 2006 and throughout 2007. The impact of these vacancies is that for most of 2006-2007 and for 2007-2008 there has only been the Commissioner and our senior Portfolio Officer (who became Director of Compliance as of April 1, 2007) closing files and meeting other elements of the mandate instead of the Commissioner, Director of Compliance and three Portfolio Officers doing that work.

The challenge is that despite widely advertised open competitions, we have not been able to recruit persons with the specific access and privacy knowledge necessary to immediately undertake the work of a Portfolio Officer. Our experience is that it is necessary to hire the most qualified candidate available in any competition and then provide an intensive training program that is typically of 7-12 months duration. We have now hired a new Portfolio Officer effective September 1, 2007 and another Portfolio Officer effective January 7, 2008.

(2) Capacity building in government institutions, local authorities and trustee organizations is still ongoing. The recent leadership of the Ministry of Justice, Access and Privacy Branch (Access and Privacy Branch), has helped to move this process forward. The Ministry of Health continues to work with trustee organizations in the development of the HIPA Toolkit. There is still a need in many organizations for the consolidation of access and privacy responsibilities in a single senior individual. There continues to be a need for a detailed manual in respect of FOIP and LA FOIP for government institutions and local authorities and a similar manual in respect of HIPA. To the extent that we are required to provide a great deal of very basic information on the operation of the three statutes to government institutions, local authorities and trustees, it takes longer for us to complete reviews and investigations.

Our Vision

Saskatchewan government institutions and local authorities operating in a fashion that is as transparent as possible and with the greatest sensitivity to the privacy of the people of Saskatchewan, all in accordance with the provisions of the applicable legislation.

Saskatchewan health information trustees operating in a fashion that fully respects the privacy rights of the people of Saskatchewan guaranteed by *The Health Information Protection Act* and *The Canadian Charter of Rights and Freedoms*.

Our Mission

To ensure that the residents of Saskatchewan enjoy the full measure of the information rights (access to information and privacy) guaranteed by the laws of Saskatchewan.

Our Core Businesses

Core Business 1: Reviews of decisions on access requests

Goal 1	***Reduce time to complete reviews***
Goal 2	***Publish a body of review reports and recommendations***
Goal 3	***Increase awareness on the part of government institutions, local authorities and health information trustees of statutory requirements***

Core Business 2: Reviews of breach of privacy complaints

Goal 4	***Reduce time to complete investigations***
Goal 5	***Publish a body of investigation reports***
Goal 6	***Increase awareness on the part of government institutions, local authorities and health information trustees of statutory requirements***

Core Business 3: Trustee/Government Institution/ Local Authority Compliance

Goal 7	***Improve overall compliance by government institutions, local authorities and trustees with respect to FOIP, LA FOIP and HIPA***
Goal 8	***Publish aids and tools that will assist government institutions, local authorities and trustees in statutory compliance efforts***

Our Core Businesses

Core Business 4: Clarifying the Access and Privacy Regime In Saskatchewan

Goal 9	*Provide advice to the Legislative Assembly on the consolidation and amendment of FOIP and LA FOIP*
Goal 10	*Provide advice to provincial government institutions, local authorities and trustees on access and privacy governance*

Core Business 5: Public Education

Goal 11	*Undertake public education initiatives throughout the province with a wide variety of organizations*
Goal 12	*Support Saskatchewan 'Right to Know' Committee activities and projects*

Core Businesses, Goals, Strategies and Measures

Excellence in the OIPC

In all of our core businesses, as we oversee access to information and protection of privacy, we aspire to meet the highest standards of professionalism and competence.

There has been a proliferation in laws addressing privacy and access to information. The challenges presented by rapidly changing information technology and the expansion of surveillance practices are increasing exponentially. It will be important for the OIPC to continue to be current with changes in the information management field in order to assist residents of Saskatchewan in exercising their information rights.

All Portfolio Officers are or will be registered in the online Information Access and Protection of Privacy Certificate Program (IAPP) offered by the University of Alberta if they have not already completed that program when they join our office. Our Director of Compliance graduated from the IAPP program 'with distinction' in 2007.

All Portfolio Officers participate in meetings of the Canadian Bar Association Access and Privacy Law Section (South). In addition, for each of the last three years we have sent Portfolio Officers to the annual Investigators' Workshop hosted by the Office of the Privacy Commissioner of Canada to enhance their skills. Our plan is to continue to take advantage of this excellent training opportunity in the future.

Our office has a current library of relevant access and privacy texts, periodicals and materials as well as access to relevant on-line resources. We make this material available to Privacy Officers, FOIP and HIPA Coordinators.

Our staff will maintain regular communication with other Information and Privacy Commissioner offices in Canada and outside of Canada. Our office maintains the Canadian Information and Privacy Commissioners' List serve[1] to facilitate information sharing among Commissioners' offices and investigators. In June of 2008 we will host the first ever Commissioners' Summit to be held in this province.

[1] The List serve is a closed information-sharing service that allows investigators in different information and privacy commissioners offices to dialogue and share experiences. This has proven an invaluable resource in OIPC research work.

Excellence in the OIPC (cont'd)

Our last two versions of the OIPC Business Plan contemplated that we would attempt to recruit Portfolio Officers with specific health service delivery or information technology experience. Given our considerable challenge in finding appropriate persons for the Portfolio Officer role, we choose not to make the recruitment and selection process even more difficult by further limiting the pool of potential candidates at this time.

We continue to adapt and modify our internal processes to model successful practices in other Canadian oversight offices as well as international oversight offices with similar legislation.

Core Business 1: Reviews of decisions on access requests

Goal 1 ***Reduce time to complete reviews***

What it means

Information delayed is often information denied. The risk of failing to achieve this goal is likely to include the following:

- Diminished respect for this independent office.
- Increased public cynicism about government transparency.
- Degradation in the citizens' fundamental right to know.
- Lower accountability standards for government institutions, local authorities and trustees.

Strategies

- We will defer analysis on most new requests for review in order to focus on the backlog of older reviews.

  Our priority is to eliminate the backlog of reviews. Once we succeed in eliminating that backlog, we think a reasonable expectation is that 80% of new review files should be closed within 5 months from the time that any preliminary issues are resolved and the substantive review work is underway. This recognizes that some files for a variety of reasons cannot be concluded within 5 months. These reasons may be that the government institution, local authority or trustee has failed to provide a proper response, the record or parts of the record are missing or the public body has not provided submissions on all of the issues to be dealt with on the review.

- We identified that a major contributing factor to delay in formal reviews from access decisions was failure of the government institution, local authority or trustee to comply with basic statutory requirements. We put in place a new procedure which will mean that the instances listed below of non-compliance will be elevated from the Portfolio Officer to the Commissioner within seven days and then immediately brought to the attention of the Deputy Minister or CEO of the government institution, local authority or trustee.

  The new procedure was discussed with the Access and Privacy Branch, reviewed and then communicated to FOIP Coordinators in June 2007. This procedure went into effect September 1, 2007. It focuses on a failure of the public body to:

  - Identify the specific statutory authority for a decision of the public body.
  - Provide a reason for a decision of the public body.
  - Provide a reason for an extension of time.
  - Sever in accordance with section 8 of FOIP.
  - Provide a proper fee estimate.
  - Respond to a fee waiver request.

- In an attempt to make our investigative work more efficient and yet ensure a high level of rigour, we created the new position of Director of Compliance in April 2007. Our senior Portfolio Officer was promoted to this position. The Director of Compliance is responsible for the training and supervision of all Portfolio Offices.

- We will create a new "Research/Intake Officer" position that will require considerably less training than a Portfolio Officer but that will assist our Director of Compliance and the three Portfolio Officers to reduce the time to complete investigations and formal reviews. We will hire two Research/Intake Officers in 2008-2009.

- We will hire an additional administrative person in 2008-2009 to cope with the increased workload of the Commissioner, the Director of Compliance, three Portfolio Officers and two Research/Intake Officers.

- We will continue our efforts to encourage more mediation.

Performance measures

2007-2008

- **Complete all pending reviews that are more than two years old.**

  PARTIALLY ACHIEVED

  We have managed to close most of the 2004 reviews. Reviews concluded to date include 'first impression' reports that dealt with the 'advice to officials' exemption, the basis on which an applicant can be denied access to their own personal health information, and public access to municipal assessment and property tax roll information.

- **By January 1, 2008, 80% of all new reviews to mediation or report stage within five months.**

  UNLIKELY TO BE ACHIEVED

  Given the substantial backlog and the delays discussed earlier along with the lack of personnel, most of our work will be focused on resolving the backlog and work on newer files will have to wait.

2008-2009

- Complete all pending reviews that are more than one year old.
- By January 1, 2009, 80% of all new reviews to mediation or report stage within five months.

Core Business 1: Reviews of decisions on access requests

Goal 2 ***Publish a body of review reports and recommendations***

What it means

There is important educative value in publishing full reports issued after a review by the OIPC. Such reports can provide useful guidance to FOIP Coordinators and heads of government institutions, local authorities and trustees and hopefully improve compliance with the relevant statutes.

The risk of failing to achieve this goal is likely to include the following:

- Confusion and uncertainty as to the OIPC interpretation of the legislation.
- Inertia and lack of progress in improving public body compliance.
- Differential treatment of citizens seeking access depending on the organization.
- Degradation in the citizens' fundamental right to know.

Strategies

- We will post the full text or as much of the full text as possible in the circumstances of any particular review to our website, www.oipc.sk.ca.

  This will include the name of the government institution, local authority or trustee for reasons of accountability. This will not normally include the name of the applicant to respect the privacy of that individual.

- We will also develop an index that allows a visitor to the website to readily identify those reports that address specific sections of the applicable legislation.

Performance measures

2007-2008

- **Publish at least 10 reports from reviews on the OIPC website.**

  PARTIALLY ACHIEVED

  As of December 31, 2007 our office has published three reports from reviews.

- **Create a section index of all review reports done by the OIPC.**

  UNLIKELY TO BE ACHIEVED

  Our focus has been on the backlog of reviews and investigations. The section index will be deferred until 2008-2009.

2008-2009

- Publish at least 10 reports from reviews on the OIPC website.
- Create a section index of all review reports done by the OIPC.

Core Business 1: Reviews of decisions on access requests

Goal 3 ***Increase awareness on the part of government institutions, local authorities and health information trustees of statutory requirements***

What it means

Our office has identified a substantial need for more awareness on the part of staff in government institutions, local authorities and trustees about the requirements of FOIP, LA FOIP and HIPA. A lack of written procedures and formalized training was also identified by the Deloitte Touche *Government of Saskatchewan Privacy Assessment* (Privacy Assessment) that preceded the *Overarching Personal Information Privacy Framework for Executive Government* (Privacy Framework). This need is much broader than training which was undertaken under the auspices of the Privacy Framework in 2004 and 2005. The latter does not address the goal of greater government transparency and was only focused in part on Part IV of FOIP and LA FOIP dealing with privacy. The Access and Privacy Branch has developed some good general materials to introduce FOIP and LA FOIP. What is required now is comprehensive information that is more granular on meeting access and privacy requirements. The risk of failing to achieve this goal is likely to include the following:

- Inconsistent treatment of applicants and access requests.
- Failure to meet the standards required by legislation.
- Lower accountability standards for government institutions, local authorities and trustees.

Strategies

- We will continue to work with the Ministries of Health, Justice, and Municipal Affairs to promote templates and materials for FOIP, LA FOIP and HIPA training.

- We will continue to meet with managers and employees in government institutions, local authorities and trustees to explain their statutory obligations and the role of our office.

Performance Measures

2007-2008

- **Host a major conference in Saskatchewan focused on HIPA as well as FOIP and LA FOIP.**

  EXCEEDED

  We organized, in conjunction with our counterparts in Alberta (Office of the Information and Privacy Commissioner) and Manitoba (Ombudsman), the first ever Prairie Health Information Privacy Day in Regina on April 16, 2007. There were approximately 129 participants. Presentations are archived at www.governmentevents.ca/phipd2007/presentations.php and some are also archived on our website, www.oipc.sk.ca.

  The OIPC also organized for April 17, 2007, with the Access and Privacy Branch and Canada Health Infoway, a full day of workshops on the electronic health record and access and privacy topics in Regina that involved approximately 83 participants.

  The OIPC also organized for April 18, 2007 a full day program for the Saskatchewan Access and Privacy Conference for approximately 132 participants in Regina. Presentations from these sessions have been archived and are available at www.governmentevents.ca/sapc2007/presentations.php and some of the presentations are archived on our website, www.oipc.sk.ca.

- **Ensure that 90% of requests for summary advice from government institutions, local authorities and trustees as well as the public receive a response within 72 hours.**

  ACHIEVED

Performance Measures

2007-2008

- **Host 'Brown-Bag' luncheon workshops on aspects of access and privacy compliance for access and privacy coordinators in government institutions, local authorities and trustees.**

  ACHIEVED

  Topics included:

  - Third Party Applications
  - Role of Access and Privacy Coordinators
  - Severing
  - Duty to Assist
  - Fees and Fee Estimates

- **Collaborate with appropriate government institutions to develop Frequently Asked Questions for government institutions.**

  UNLIKELY TO BE ACHIEVED

  Work on this performance measure has been deferred to accommodate work on the backlog of reviews and investigations.

- **Collaborate with appropriate government institutions to develop Frequently Asked Questions for local authorities.**

  UNLIKELY TO BE ACHIEVED

  Work on this performance measure has been deferred to accommodate work on the backlog of reviews and investigations.

- **We will continue to work with Saskatchewan Learning, Saskatchewan Health, Saskatchewan Justice and Saskatchewan Government Relations to provide support to their constituent organizations such as schools, municipalities, health regions and health professions, departments, Crown corporations, provincial boards, commissions and agencies.**

  ACHIEVED

2008-2009

- Collaborate with appropriate government institutions, local authorities and trustees to develop Frequently Asked Questions (FAQs).

- Ensure that educational presentations on the review and investigation process have been completed for every Ministry, every Crown corporation, every provincial board and agency, every school division, all urban and rural municipalities, every health region and every university or college that has requested a presentation.

- Ensure that 90% of all requests for summary advice from government institutions, local authorities and trustees receive a response within 72 hours.

- Host 'Brown-Bag' luncheon workshops on aspects of access and privacy compliance for access and privacy coordinators in government institutions, local authorities and trustees.

Core Business 2: Review of breach of privacy complaints

Goal 4 ***Reduce time to complete investigations***

What it means

Given the importance that the Saskatchewan government has assigned to privacy protection, it will be necessary to ensure that investigations of privacy breaches are completed without undue delay. The risk of failing to achieve this goal is likely to include the following:

- Diminished respect for this independent office.
- Increased public cynicism about privacy protection.
- Degradation in the citizens' fundamental right of privacy.
- Lack of confidence in government institutions, local authorities and trustees as well as increased reluctance to allow them to collect, use and disclose personal information.

Strategies

- The efforts to expedite privacy investigations should parallel initiatives to reduce the time to complete access reviews. Since privacy protection is an equal objective of FOIP and LA FOIP statutes, this area should receive the same kind of attention described in this plan for access to information. Many of the comments above in the discussion of Core Business 1 apply in this section also.

- We will create a new "Research/Intake Officer" position that will require considerably less training than a Portfolio Officer but that will assist our Director of Compliance and the three Portfolio Officers to reduce the time to complete investigations and formal reviews. We will hire two Research/Intake Officers in 2008-2009.

- We will hire an additional administrative person in 2008-2009 to cope with the increased workload of the Commissioner, the Director of Compliance, three Portfolio Officers and two Research/Intake Officers.

- As noted in Goal 1, five months is a reasonable goal to close review files. Breach of privacy files however, pose a different challenge since each complaint is typically unique and the investigative process is much more variable than the review of a decision on an access to information request. This needs to be reflected in the key performance measure for investigations.

Performance Measures

2007-2008

- **Complete all pending investigations that are more than 1 year old.**

  PARTIALLY ACHIEVED

  Most of our older investigation files have been closed. We could not close all of them because of an insufficient number of Portfolio Officers.

- **By January 1, 2008, 60% of all investigations to report stage within five months.**

  UNLIKELY TO BE ACHIEVED

  In accordance with the OIPC Business Plan, our focus has been on our oldest files not on more recent investigations.

2008-2009

- By January 1, 2009, 60% of all investigations to report stage within five months.

Core Business 2: Review of breach of privacy complaints

Goal 5 ***Publish a body of investigation reports***

What it means

Investigations are usually started in response to a complaint or a particular event that comes to our attention. It is therefore more difficult to predict the volume of privacy complaints than it is to predict access requests. The risk of failing to achieve this goal is likely to include the following:

- Government institutions, local authorities and trustees cannot learn from experiences of others.
- Lack of predictability in interpreting the legislation.

Strategies

- We will post the full text or as much of the full text as possible in the circumstances of any particular investigation to our website, www.oipc.sk.ca.

  This will include the name of the government institution, local authority or trustee for reasons of accountability. That will not normally include the name of the complainant to respect the privacy of that individual.

- We will start to initiate a number of investigations to assess compliance with applicable legislation, if time and resources permit.

Performance Measures

2007-2008

- **Publish a report on at least one office-initiated investigation.**

  ACHIEVED

  Review Report No. LA--2007--002 addressed disclosure of personal information by municipalities. In addition, as of December 31, 2007 our office has published a full investigation report in response to a specific breach of privacy complaint.

2008-2009

- Publish a report on at least one office-initiated investigation.

Core Business 2: Review of breach of privacy complaints

Goal 6 ***Increase awareness on the part of government institutions, local authorities and health information trustees of statutory requirements***

What it means

Our office has identified a substantial need for more awareness on the part of staff in government institutions, local authorities and trustees about the requirements of FOIP, LA FOIP and HIPA. A lack of written procedures and formalized training was also identified by the Deloitte Touché Privacy Assessment that preceded the Privacy Framework. This need is much broader than training which was undertaken under the auspices of the Privacy Framework in 2004 and 2005. The latter does not address the goal of greater government transparency and is only focused in part on Part IV of FOIP and LA FOIP dealing with privacy. The Access and Privacy Branch has developed some good general materials to introduce FOIP and LA FOIP. What is required now is more granular information on meeting access and privacy requirements. The risk of failing to achieve this goal is likely to include the following:

- Inconsistent treatment of applicants and access requests.
- Failure to meet the standards required by legislation.
- Lower accountability standards for government institutions, local authorities and trustees.

Strategies

- We will continue to work with the Ministries of Health, Justice, and Municipal Affairs to promote templates and materials for FOIP, LA FOIP and HIPA training.

  In 2006-2007[2] and 2007-2008 our office provided the Legislative Assembly with advice and commentary with respect to:

  Bill 6 -- *The Youth Drug Detoxification and Stabilization Amendment Act, 2006*

  - Letter to the Speaker dated May 9, 2007

[2] 2006-2007 "advice & commentary" files not addressed in earlier reports to Members of the Legislative Assembly.

Strategies (cont'd)

Bill 20 -- *The Gunshot and Stab Wounds Mandatory Reporting Act*

- Letter to Speaker dated November 20, 2006
- Presentation to Standing Committee on Intergovernmental Affairs and Infrastructure re: Bill 20, Feb. 5, 2007 (Saskatoon)
- Supplementary letter to Speaker dated March 6, 2007

Bill 61 -- *The Vital Statistics Act, 2007*

- Letter to Speaker dated May 9, 2007

Bill 60 -- *The Revenue and Financial Services Amendment Act, 2007*

- Letter to Speaker dated May 14, 2007

Health Information Protection Regulations Amendments

- Letter to Speaker dated April 11, 2007

- We will continue to meet with managers and employees in government institutions, local authorities and trustees to explain their statutory obligations and the role of our office.

Performance measures

2007-2008

- **Host a major conference in Saskatchewan focused on HIPA as well as FOIP and LA FOIP.**

  EXCEEDED

  We organized, in conjunction with our counterparts in Alberta (Office of the Information and Privacy Commissioner) and Manitoba (Ombudsman), the first ever Prairie Health Information Privacy Day in Regina on April 16, 2007. There were approximately 129 participants. Presentations are archived at www.governmentevents.ca/phipd2007/presentations.php and some are also archived on our website, www.oipc.sk.ca.

Performance measures

2007-2008 (cont'd)

The OIPC also organized for April 17, 2007, with the Access and Privacy Branch and Canada Health Infoway, a full day of workshops on the electronic health record, and access and privacy topics in Regina that involved approximately 83 participants.

The OIPC also organized for April 18, 2007 a full day program for the Saskatchewan Access and Privacy Conference for approximately 132 participants in Regina. Presentations from these sessions have been archived and are available at www.governmentevents.ca/sapc2007/presentations.php and some of the presentations are archived on our website, www.oipc.sk.ca.

- **Ensure that 90% of requests for summary advice from government institutions, local authorities and trustees as well as the public receive a response within 72 hours.**

  ACHIEVED

- **Host 'Brown-Bag' luncheon workshops on aspects of access and privacy compliance for access and privacy coordinators in government institutions, local authorities and trustees.**

  ACHIEVED

  Topics included:

  - Third Party Applications
  - Role of Access and Privacy Coordinators
  - Severing
  - Duty to Assist
  - Fees and Fee Estimates

Performance measures

2007-2008 (cont'd)

- **We will continue to work with Saskatchewan Learning, Saskatchewan Health, Saskatchewan Justice and Saskatchewan Government Relations to provide support to their constituent organizations such as schools, municipalities, health regions and health professions, departments, Crown corporations, provincial boards, commissions and agencies.**

  ACHIEVED

- **Collaborate with appropriate government institutions to develop Frequently Asked Questions for government institutions.**

  UNLIKELY TO BE ACHIEVED

- **Collaborate with appropriate government institutions to develop Frequently Asked Questions for local authorities.**

  UNLIKELY TO BE ACHIEVED

2008-2009

- Collaborate with appropriate government institutions, local authorities and trustees to develop Frequently Asked Questions (FAQs).

- Ensure that educational presentations on the review and investigation process have been completed for every Ministry, every Crown corporation, every provincial board and agency, every school division, all urban and rural municipalities, every health region and every university or college that has requested a presentation.

- Ensure that 90% of all requests for summary advice from government institutions, local authorities and trustees receive a response within 72 hours.

- Host 'Brown-Bag' luncheon workshops on aspects of access and privacy compliance for access and privacy coordinators in government institutions, local authorities and trustees.

Core Business 3: Trustee/Government Institution/ Local Authority Compliance

Goal 7 ***Improve overall compliance by government institutions, local authorities and health information trustees with respect to FOIP, LA FOIP and HIPA***

What it means

Of fundamental importance is the role of the OIPC in ensuring that government institutions, local authorities and trustees fully comply with the appropriate legislation. This is done by reinforcing the accountability that each trustee and each 'head' of a government institution or local authority has to respect the information rights of Saskatchewan residents.

The risk of failing to achieve this goal is likely to include the following:

- Citizens will continue to be denied the full benefit of the information rights to which they are entitled.
- Government institutions, local authorities and trustees will continue to wrestle with problems, gaps and shortcomings in the existing legislation and expend unnecessary energy and resources to no good end.

Strategies

- In addition to goals 1 through 6 inclusive, we will achieve this goal by monitoring the actions of government institutions, local authorities and trustees that impact the information rights of Saskatchewan residents.
- We will undertake site visits and compliance audits of government institutions, local authorities and trustees.
- We will also work to promote training, the development of educational materials and to publish standards and best practices for these organizations.

Performance measures

2007-2008

- **We will produce annual 'report cards' on government institutions that serve to highlight their response to access requests.**

  PARTIALLY ACHIEVED

  In Reports published on our website to date in 2007-2008, we have specifically commented on deficiencies in the section 7 response of government institutions to access requests. We have also detailed in the 2006-2007 Annual Report the responses and actions of the named government institutions, local authorities and trustees involved in those reviews.

- **Undertake 10 site visits to trustee facilities.**

  PARTIALLY ACHIEVED

  A site visit to Mamawetan Churchill River Regional Health Authority took place in October 2007. This included a tour of the facilities, meetings with the board, senior managers, privacy committee and staff. A site visit had been scheduled for Cypress Regional Health Authority in the spring of 2007 but had to be postponed several times for a variety of reasons. It is now scheduled for April 2008.

- **Undertake 10 site visits to government institutions and local authorities.**

  UNLIKELY TO BE ACHIEVED

2008-2009

- We will produce annual 'report cards' on government institutions that serve to highlight their response to access requests.
- We will undertake 10 site visits to trustee facilities.
- We will undertake 10 site visits to government institutions and local authorities.

Core Business 3: Trustee/Government Institution/ Local Authority Compliance

Goal 8 ***Publish aids and tools that will assist government institutions, local authorities and trustees in statutory compliance efforts***

What it means

The OIPC has identified a need for Saskatchewan-based and Saskatchewan appropriate materials, check-lists and models to assist government institutions, local authorities and trustees to comply with applicable legislation. The risk of failing to achieve this goal is likely to include the following:

- Advice from our office will be provided publicly after programs are commenced or legislation is enacted and revision is much more difficult and more expensive.

Strategies

- Our office can provide value by developing, in collaboration with the appropriate government institution, local authority or trustee and outside resources, teaching materials, check-lists and models to assist with statutory compliance.

Performance measures

2007-2008

- **Publish advisory material to reflect areas of concern and confusion among government institutions, local authorities and trustees.**

  ACHIEVED

  The *Helpful Tips* sheet available on our website has been significantly updated and revised. The *Saskatchewan MLA Constituency Office Access and Privacy Guide* has been updated. *Privacy for Saskatchewan Public Libraries* was published to respond to questions from library staff and patrons.

Performance measures

2007-2008 (cont'd)

The Freedom of Information and Protection of Privacy Act and Law Enforcement was published on April 18, 2007. *OIPC Reviews and Investigations*, a PowerPoint slide deck presented at a December 2007 meeting of FOIP Coordinators, is available at our website. In addition, since April 2007, we have published nine more issues of our e-newsletter, the *Saskatchewan FOIP FOLIO*. There are now 45 past issues accessible at www.oipc.sk.ca

Performance measures

2008-2009

- Publish advisory material to address areas of concern and confusion among government institutions, local authorities and trustees.

Core Business 4: Clarifying the Access and Privacy Regime In Saskatchewan

Goal 9 ***Provide advice to the Legislative Assembly on the consolidation and amendment of FOIP and LA FOIP***

What it means

There is an urgent need to amend this legislation to ensure that it works properly from the perspective of government institutions and local authorities as well as for the public. FOIP and LA FOIP are deficient in achieving the purposes of such legislation

The risk of failing to achieve this goal is likely to include the following:

- Citizens will continue to be denied the full benefit of the information rights to which they are entitled.

- Government institutions, local authorities and trustees will continue to wrestle with problems, gaps and shortcomings in the existing legislation and expend unnecessary energy and resources to no good end.

Strategies

- To catalogue the deficiencies in FOIP and LA FOIP and to communicate same to the Ministry of Justice, in particular, and to the Legislative Assembly.

- To provide assistance and advice to the Legislative Assembly at such time as the legislation is reviewed.

Performance measures

2007-2008

- **To provide commentary in the 2006-2007 Annual Report.**

  ACHIEVED

  In the 2006-2007 Annual Report, I observed that "*As noted in my past Annual Reports, I have consistently urged the Government of Saskatchewan to eliminate the two-statute approach to FOIP by integrating local authorities fully into FOIP. This would simplify and improve the accessibility of FOIP for local authorities and citizens alike.*" (Page 10)

2008-2009

- To provide commentary in the 2007-2008 Annual Report.
- To provide commentary and advice through reports to the Legislative Assembly.

Core Business 4: Clarifying the Access and Privacy Regime In Saskatchewan

Goal 10 — ***Provide advice to provincial government institutions, local authorities and trustees on access and privacy governance***

What it means

A satisfactory level of statutory compliance with FOIP, LA FOIP and HIPA is unlikely to be achieved without committed leadership within government institutions, local authorities and health information trustees. This requires powerful and unambiguous messages from the most senior leaders in the public sector, a commitment to promoting both privacy and access to information consistent with the purpose of these laws and specific actions to achieve robust compliance.

The risk of failing to achieve this goal is likely to include the following:

- Frustration on the part of public sector workers.
- Failure to achieve statutory compliance.
- Denial of rights to Saskatchewan residents described by the Supreme Court of Canada as 'quasi-constitutional'.

Strategies

- Focus with government institutions, local authorities and health information trustees on organizational enhancements to enable them to achieve full compliance with FOIP, LA FOIP and HIPA. This will entail working with key organizations such as the Ministries of Health, Justice and Municipal Affairs on ensuring advice is made available to all public sector organizations on the 'access and privacy file'.

Performance Measures

2007-2008

- **Encourage government institutions, local authorities and trustees to make stronger commitments, through leadership initiatives, to achieve full statutory compliance.**

  ACHIEVED

  This has been a focus in our Annual Report for 2006-2007, in correspondence and meetings with Ministers, Deputy Ministers, and the Access and Privacy Branch. This has been a theme in educational workshops, and in issues of our FOIP FOLIO e-newsletter. This has also been a major focus of our meetings with the Board of Directors and senior staff of the Mamawetan Churchill River Regional Health Authority.

2008-2009

- Encourage government institutions, local authorities and trustees to make stronger commitments, through leadership initiatives, to achieve full statutory compliance.

Core Business 5: Public Education

Goal 11 ***Undertake public education initiatives throughout the province with a wide variety of organizations***

What it means

Citizens need to know what information rights they have and how to exercise those rights. Saskatchewan is a large geographic area with many small communities. It will be important to make education opportunities available to Saskatchewan residents regardless of where they live in this province. Information must be made as accessible as possible.

The risk of failing to achieve this goal is likely to include the following:

- Saskatchewan residents will not be aware of their information rights and how to exercise them.

Strategies

- We will continue to partner with other organizations as we have done over the last four years. This includes such bodies as the Saskatchewan Institute of Public Policy, the Saskatchewan School Boards Association, Saskatchewan Public Legal Education Association and Saskatchewan Legal Education Society. In many cases this involves the partner organizing a session, advertising, booking a facility and our office provides a resource person and handout material.

- We have undertaken discussions with the Privacy Commissioner of Canada to ensure the necessary resources are available to promote awareness of the relevant federal and provincial privacy legislation in Saskatchewan.

- We will participate in the new national 'Privacy Day' as a means to raise awareness in the province about privacy and privacy protection.

Performance Measures

2007-2008

- **Ensure that education presentations have been completed in every Ministry, every Crown corporation, every provincial board and agency, every school division, all urban and rural municipalities, every health region, and every university and college campus that have requested a presentation including at least 60 presentations to a wide variety of audiences in a number of different Saskatchewan communities.**

  ACHIEVED

  We have already given over 60 presentations to a wide variety of audiences in a number of different Saskatchewan communities.

- **Ensure that 90% of citizen requests for summary advice receive a response within 72 hours.**

  ACHIEVED

- **Produce brochures on access and privacy issues for citizens.**

  ACHIEVED

  In 2007-2008 we produced the brochure, *Privacy for Saskatchewan Public Libraries*. We have also provided advice to the Saskatchewan Public Legal Education Association on HIPA content for its excellent booklet, *Patients' Rights*. We have also provided advice to Saskatchewan Health, regional health authorities and health profession regulatory bodies on content in brochures published by those trustees and intended for the public.

2008-2009

- Explore with the Privacy Commissioner of Canada opportunities to collaborate in the creation of public education materials and presentation of information to the public.

- Participate in national "Right to Privacy Day" events in 2008.

Performance Measures

2008-2009 (cont'd)

- Ensure that education presentations are made available to a wide variety of audiences in a number of different Saskatchewan communities.
- Ensure that 90% of citizen requests for summary advice receive a response within 72 hours.
- Produce additional brochures on access and privacy issues for citizens.

Core Business 5: Public Education

Goal 12 ***Support Saskatchewan 'Right to Know' Committee activities and projects.***

What it means

Internationally, September 28 is recognized as 'Right to Know' Day. In Canada, the access to information community organized activities across Canada during the week of October 1-5, 2007 to recognize 'Right to Know' Week. It drew attention to the importance of the right of Canadians to access records of government institutions, local authorities and trustees and the obligation of those government institutions, local authorities and trustees to operate transparently.

The risk of failing to achieve this goal is likely to include the following:

- An excellent opportunity to bolster public awareness about the importance of access to information is lost.

Strategies

- We will continue to support and participate in future Right to Know events and to assist the Saskatchewan right to Know Committee.

Performance Measures

2007-2008

- **Participate in the planning of future 'Right to Know' Week events and to assist the Saskatchewan Right to Know Committee in organizing 'Right to Know' Week in 2007.**

  ACHIEVED

  In 2007, the Saskatchewan 'Right to Know' Committee included representatives of the Saskatchewan Institute of Public Policy, the Saskatchewan Law Foundation, the Canadian Bar Association, the Regina Public Library, the City of Regina and McKercher, McKercher Whitmore LLP, Saskatoon Star-Phoenix, Regina Leader-Post and McPherson Leslie Tyerman LLP.

  The Saskatchewan Health Quality Council (HQC) was presented with the *Chief Justice E.M. Culliton 'Right to Know'* Award in recognition of excellent work done by the HQC in promoting transparency, active release and routine disclosure of public information. A Saskatoon Grade XII student received a $300 scholarship for his essay on *Why Access to Information is Important in a Modern Democracy*.

  John Reid, former Information Commissioner of Canada, delivered a keynote address on the *Increasing Importance of Access to Information* in Regina and in Saskatoon on October 2 and 3 respectively. There was also a presentation by David Fewer, Staff Counsel for the Canadian Internet Policy and Public Interest Clinic, on October 4, 2007. Mr. Fewer's presentation was entitled *Privacy and the Right to Know: Rights, Complications and Limitations*. The Regina Public Library also offered a number of access to information/privacy themed movies during the week.

2008-2009

- Continue to participate in the planning of future 'Right to Know' events and to assist the Saskatchewan Right to Know Committee in organizing Right to Know week in 2008.